

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. APP. NO. 09/840,023

REMARKS

Summary Of The Office Action

Claims 1-8 are pending in the application.

Claims 1-8 are again rejected under 35 U.S.C. § 103 as being unpatentable over Morrison (USP 6,591,292) in view of Mendenhall et al (USP 6,570,626).

Our comments with respect to the rejections of claims 1-8 are set forth below.

Analysis Of The Claim Rejections Under 35 U.S.C. § 103

In responding to the previous Office Action, it was argued that the combination of Morrison and Mendenhall et al does not teach or suggest the OSD source recited in claim 2. In particular, it was argued that Morrison and Mendenhall et al, taken alone or in combination, does not teach or suggest an OSD source transmitting an OSD object ID and display location information, without transmitting any of the OSD display data. In particular, it was argued that Mendenhall et al at col. 2, lines 27-32, teaches that even though some data sets are transmitted without the color palette, all of the data sets include OSD display data, i.e., the pixel data.

In the present Office Action, the Examiner responds to that argument by stating that col., 2, lines 27-32 of Mendenhall indicates “that the pixel data includes a value and this value is a control information, as is well known in the computer art, because the value is used to specify which color is to be applied by the decoder. Furthermore, this information (or value) would not be needed or used when (or if) the color palette is not transmitted, as Mendenhall clearly proposes or teaches. Col., 3, lines 28-50 [Note: “Value”, as is being correctly interpreted here, is “a numerical quantity that is assigned or is determined by calculation or measurement”, (see Webster’s Dictionary, 10th edition)]. Therefore, to those with ordinary skill in the art it would be obvious to modify the system of Morrison utilizing the teaching of Mendenhall as has been shown above in the rejection.” We disagree with this analysis.

In more detail, claim 2 requires transmitting an OSD object ID and display location information, without transmitting any of the OSD display data. We think it is clear that the portion of Mendenhall that the Examiner cites as teaching this (col. 2, lines 27-32) in fact teaches

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. APP. NO. 09/840,023

the opposite. That is, col., 2, lines 30-32 states: "Thus, in conventional video systems every OSD data set includes a header, a color palette and pixel data." Thus, whether or not Mendenhall et al teaches not transmitting color palette information, or whether or not color palette information is a value is irrelevant. That is, if the color palette information is not transmitted, col., 2, lines 30-32 of Mendenhall clearly indicate that a header and pixel data are still transmitted. Thus, we do not understand why the Examiner believes that col., 2 lines 27-32 of Mendenhall supports his position that Mendenhall teaches transmitting an OSD object ID and display location information without transmitting any of the OSD display data.

Accordingly, we propose to argue that the combination of references applied by the Examiner does not render claim 2 obvious.

Since claim 1 was rejected for the same reasons as claim 2, we think that the arguments presented above apply equally to claim 1.

Additionally, we would argue that dependent claims 3-8 are patentable at least by virtue of their dependence.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. APP. NO. 09/840,023

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Peter A. McKenna
Registration No. 38,551

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 22, 2005